

## HOUSE BILL NO. 242

INTRODUCED BY LAMBERT

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A TERMINALLY ILL RESIDENT OR NONRESIDENT YOUTH UNDER ~~42~~ 17 YEARS OF AGE TO ~~PURCHASE A~~ RECEIVE A FREE ONE-TIME MONTANA HUNTING LICENSE; PROVIDING TERMS AND CONDITIONS REGARDING ~~THE AGE WAIVER AND~~ LICENSURE; AMENDING SECTIONS 87-2-105 AND 87-2-805, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-2-105, MCA, is amended to read:

**"87-2-105. Safety instruction required.** (1) ~~A~~ Except for a youth who qualifies for a license pursuant to 87-2-805(4), a hunting license may not be issued to a person who is born after January 1, 1985, unless the person authorized to issue the license determines proof of completion of:

(a) a Montana hunter safety and education course established in subsection (4) or (6); or

(b) a hunter safety course in any other state or province.

(2) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana household, unless the person authorized to issue the license determines proof of completion of a hunter safety course approved by the department or a hunter safety course in any state or province.

(3) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized to issue the license receives an archery license issued for a prior hunting season or determines proof of completion of a bowhunter education course from the national bowhunter education foundation or any other bowhunter education program approved by the department. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and arrow licensing procedures, the department shall notify the public regarding bowhunter education requirements.

(4) The department shall provide for a hunter safety and education course that includes instruction in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one

1 of its objectives the promotion of hunter safety and education. The department may designate as an instructor  
2 any person it finds to be competent to give instructions in hunter safety and education, including the handling  
3 of firearms. A person appointed shall give the course of instruction and shall issue a certificate of completion  
4 from Montana's hunter safety and education course to a person successfully completing the course.

5 (5) The department shall provide for a course of instruction from the national bowhunter education  
6 foundation or any other bowhunter education program approved by the department and for that purpose may  
7 cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling  
8 of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to  
9 give bowhunter education instruction. A person appointed shall give the course of instruction and shall issue a  
10 certificate of completion to any person successfully completing the course.

11 (6) The department may develop an adult hunter safety and education course.

12 (7) The department may adopt rules regarding how a person authorized to issue a license determines  
13 proof of completion of a required course."

14  
15 **Section 2.** Section 87-2-805, MCA, is amended to read:

16 **"87-2-805. Persons under eighteen years of age -- youth combination sports license -- terminally**  
17 **ill youth under twelve SEVENTEEN years of age.** (1) Resident minors who are 12 years of age or older and  
18 under 15 years of age may fish and may hunt upland game and migratory game birds during the open season  
19 with only a conservation license. Resident minors who are 15 years of age may hunt migratory game birds with  
20 only a conservation license. Resident minors who are under 12 years of age may fish without a license. A  
21 nonresident person under 15 years of age may not fish in or on any Montana waters without first having obtained  
22 a Class B, B-4, or B-5 fishing license unless the nonresident person under 15 years of age is in the company  
23 of an adult in possession of a valid Montana fishing license. The limit of fish for the nonresident person and the  
24 accompanying adult combined may not exceed the limit for one adult as established by law or by rule of the  
25 department.

26 (2) A resident, as defined by 87-2-102, under 15 years of age may purchase Class A-3 and A-5 licenses  
27 at a price equal to one-half the fee paid by a resident who is 15 years of age or older and under 62 years of age.

28 (3) (a) A resident who is 12 years of age or older and under 18 years of age may purchase a youth  
29 combination sports license at a price that, rounded to the nearest dollar, is 46% of the fee paid for the Class AAA  
30 combination sports license by a resident who is 18 years of age or older and under 62 years of age. A resident

who is 12 years of age or older and under 18 years of age and who applies for any hunting license for the first time is entitled to receive a youth combination sports license free of charge.

(b) The youth combination sports license includes:

- (i) a conservation license;
- (ii) a fishing license;
- (iii) an upland game bird license;
- (iv) an elk license; and
- (v) a deer license.

(c) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A fishing license at a price that is 50% of the fee paid by a resident who is 18 years of age or older and under 62 years of age.

(d) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A-1 upland game bird license at 50% of the fee paid by a resident who is 18 years of age or older and under 62 years of age.

(e) A person who lawfully purchases or is granted a free youth combination sports license at 17 years of age, but who reaches 18 years of age during that license year, may legally use the license during that license year. A person who hunts or fishes using a youth combination sports license purchased or granted free after the person reaches 18 years of age is guilty of a misdemeanor and shall be subject to any of the following penalties by the sentencing court:

(i) revocation of the person's hunting and fishing privileges for at least 5 years, revocation of the person's hunting and fishing privileges for more than 5 years, or revocation of the person's hunting and fishing privileges for life; and

(ii) a monetary fine of not less than \$500 and not more than \$5,000 in addition to the fine imposed on a person under this chapter for the specific hunting or fishing violation.

(f) This section does not prohibit a resident minor from purchasing any individual licenses for which the minor may be eligible under this chapter if the minor does not purchase the youth combination sports license.

(4) (a) The department may waive the age requirements for purchasing a hunting ISSUE A FREE RESIDENT  
OR NONRESIDENT BIG GAME COMBINATION license for, AS APPLICABLE, TO a resident or nonresident youth under 12  
17 years of age who has been diagnosed with a terminal illness. In order for a youth to qualify for the age waiver  
FREE LICENSE, the department must receive documentation from a licensed physician verifying that the youth is

1 ~~terminally ill. The waiver~~ FREE LICENSE may be ~~extended~~ ISSUED to a youth on a one-time basis for only one  
2 ~~hunting license, not including any combination license or license issued through a drawing~~ SEASON.

3 (b) In exercising hunting privileges, the youth must be in the company of an adult in possession of a  
4 valid Montana hunting license or a licensed Montana outfitter and conduct all hunting within the terms and  
5 conditions of the license issued.

6 ~~——— (c) A qualified youth may purchase a resident or nonresident big game license, as applicable, for~~  
7 ~~one-half the fee paid by a person who is 15 years of age or older and under 62 years of age. A qualified youth~~  
8 ~~who wishes to hunt upland game and migratory game birds may hunt with only a wildlife conservation license.~~

9 (d)(c) The department may waive hunter safety and education and bowhunter education requirements  
10 in 87-2-105 for a qualified youth under this subsection (4) and, in appropriate circumstances, may also allow the  
11 qualified youth to hunt from a vehicle in the manner described in 87-2-803."

12  
13 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

14 - END -